

THE GAZETTE-NEWS.

Published Every Saturday.

EDWARD FITZGERALD,
Editor and Proprietor.

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Saturday, April 20, 1901.

As a number of persons have misconstrued the meaning of the line we have been running under our heading we drop it with this issue. In politics, the GAZETTE-NEWS is a Democratic newspaper and so will remain.

Postmasters are forbidden hereafter to deliver circulars addressed to the "most prominent teacher," the "most prominent lawyer," etc. It seems that in some instances postmasters do not properly discriminate as to the "most prominent individual" and so get into hot water.

The London Punch suggests a way of raising revenue: Licenses permitting bores to talk about golf, hunting and the weather. Insist upon stamps for circulars, visiting cards and play bills. Taxes on photos, cycles and powder puffs. Exact the heaviest penalties from amateur scribes who send idiotic articles to editors without inclosing stamped and addressed envelopes for their immediate return.

Foley's Honey and Tar
heals lungs and stops the cough.

Holly Hill News.

On Tuesday Mrs. Byne and daughters left for Palm Beach, where they expect to remain during the summer. Mr. Crews will occupy the house during their absence.

Mrs. Dillon and son, also her mother, Mrs. W. B. Heath, left on Thursday for their home in Canada. We much regret their departure and wish them "bon voyage."

Port Orange

Mrs. Meeker and Mrs. Milburn drove up to Daytona and Mrs. Meeker purchased some card tables for use in Ridge-wood hall.

Mr. and Mrs. E. N. Carpenter started Saturday for their home in Charlevoix, Mich. They will stop some time with their daughter, Mrs. McCrory, at Greenville, S. C.

Miss Keck left Sunday for her home in Allentown, Pa. On the same day Mrs. Lisk left for her home in the interior.

Mr. and Mrs. Vernon Bracy and son, Hugh, came down Sunday to visit with Dr. and Mrs. DuBois.

Dr. DuBois spent the greater part of last week away from home having been in DeLand, Orlando, Jacksonville and St. Augustine.

Mr. Hutchinson and Rev. Latimer came down from Daytona and got R. Johnson to take them out in his boat to try the fishing Monday.

C. Nash came down on the automobile with a party of young friends on Monday.

(Lack of room makes it necessary to omit several very interesting items.—Ed.)

Rev. A. P. Cobb, a distinguished evangelist of the Christian Church, will begin a series of meetings at the Armory, in Daytona, Wednesday evening, April 24, beginning at 7:30 every evening. The subjects will be: Wednesday, "Preparation for Pentecost;" Thursday, "Lessons from Pentecost;" Friday, "The Miracle at the Beautiful Gate;" Saturday, "Almost Persuaded. Sunday morning at 11 the subject will be, "All Present Before God;" Sunday evening, "The Good Confession," and Monday evening, "What must I Do to Be Saved." All are welcome.

Lost—A child's golf cape, blue collar. Suitable reward will be paid for its return to Dr. J. P. Esch, Sea Breeze.

HE KEPT HIS LEG.

Twelve years ago J. W. Sullivan, of Hartford, Conn., scratched his leg with a rusty wire. Inflammation and blood poisoning set in. Then the best doctors urged amputation, "but he writes, "I used one bottle of Electric Bitters and 1 1/2 boxes of Bucklen's Arnica Salve and my leg was sound and well as ever." For Eruption, Eczema, Tetter, Salt Rheum, Sores and all blood disorders Electric Bitters has no rival on earth. Try them. Dr. J. M. Jones will guarantee satisfaction or refund money. Only 50 cents.

If troubled by weak digestion, loss of appetite, or constipation, try a few doses of Chamberlain's Stomach and Liver Tablets. Every box warranted. For sale by all druggists.

CITY ATTORNEY'S ARGUMENT BEFORE THE CIRCUIT COURT (Continued from 1st page.)

The defendant freely admits that science, religion, social order, and jurisprudence, with the dogma of the unknowability of the universe accepted on all sides as the only possible axis of human society, tends to anarchy, secession, and imperialism, to confusion of social thought and recklessness of social practice, and if not remedied, involves a return to barbarism.

Tyranny, whether proceeding from aristocracy, autocracy or democracy, is one and the same tyranny. It was a consummation devoutly to be wished, that tyranny could be circumscribed, bounded, and restrained, by principles of verifiable universal justice. But in the absence of Constitutional change the appeal of the Plaintiff in Error to a law higher than human enactment is the appeal of the anarchist, and is on a par with his withdrawing his consent to government in order to oust the jurisdiction of this court over him. Even though the highest tribunal in the land should entertain the appeal to natural justice, it would be usurpation, interfering with the prerogative of the people to make their own laws. Until the arbitrary sovereignty claimed alike by autocracy, aristocracy, and democracy, is limited by the self-determination of the American people, the old social axis of expediency must remain.

Alone among cities and towns and states and nations, Daytona has left the record, without one dissenting voice in its community, of asking the Legislature that justice by the enactment of her own citizens, instead of expediency, might be the pith and marrow of all its ordinances and administrations. Daytona asked for the privilege of applying social qualifications of moral merit and righteousness to municipal suffrage and eligibility, and to carry absolute science into the schools of the city. But the Legislature of Florida refused the petition, relegating the city to the jurisprudence of expediency.

There being no fundamental principles of natural justice to appeal to, what have the Florida Constitution and Statutes to say in the matter of the validity of the ordinance?

Art. VIII, Sec. 8 provides, "The Legislature shall have power to establish and abolish municipalities, to provide for their government and to alter and amend the same at any time."

Art. IX, Sec. 5 provides, "The Legislature may alone provide for laying a special capitation and a tax on licenses."

Chapter 4640 of the Statutes, Sec. 68, (Charter of Daytona) provides, "All laws now in force or that may be hereafter enacted for the government of cities and towns excepting so far as they conflict with the provision of this Act, shall apply to said municipality and the officers thereof." Thus the Charter entitles the city to all the benefit of past and future legislation as to cities and towns.

Chapter 4322, Revised Statutes, Sec. 9, provides, "But such city, town or council, may impose taxes on any business, profession, or occupation not mentioned in this section, when engaged in or managed within such city, town or county."

Thus the plenary power to impose a tax by way of license on every occupation carried on within its limits is conferred upon the city, unlimited except by expediency, the limit of State sovereignty.

Not only this, the Charter, Chapter 4640, Sec. 5 and 63, provide, in Sec. 5: "The city may provide for a municipal system of revenue and taxation," and in Sec. 63, as follows: "The City Council shall provide by ordinance for the issuing of occupational licenses, and for the collection of same, and shall have full power and authority to enact such ordinances as may seem proper and necessary in regard to the assessment and collection of revenue under this Act and not consistent therewith, and in accordance with the laws of the State of Florida. Transients doing business in the city shall be subject to license as prescribed by ordinance."

A non-resident is a transient who has no stake in the welfare of the city and should not share in its benefits unless willing to share in bearing its burdens as prescribed by ordinance.

An occupational tax is not a tax on property. The requirement in Art. IX, Sec. 1, of the Constitution, as to the uniform and equal rate of taxation, is expressly confined and limited to taxation upon property. To make plain that the rule of uniformity and equality is solely so applicable, the section proceeds to require that the legislature shall prescribe a just valuation of all property, real and personal, and further in Sec. 5 of the same article, "That all property shall be taxed upon principles established for State taxation." The only limitation upon the power of the legislature to confer upon municipalities its own general power of taxation, is that such taxation shall be for municipal purposes. Now to raise municipal revenue by an occupational tax upon non-residents doing business in the city is certainly a tax for a municipal purpose. An occupational license, is based on the special circumstances of the particular occupation for the reason that all occupations cannot be taxed at an equal and uniform valuation like real and personal property. There is no equality and no uniformity in the relation of special occupations to municipal government upon which to predicate a rigid rule of equality and uniformity in imposing the license.

There is no provision of the Constitution and no provision of law and no principle of justice that requires residents and non-residents to be placed on a par in the matter of an occupational license. Each class of licenses rests upon the special circumstances of the special case and the class, and on the reasonable discretion of the municipality in making the classification. This municipal discretion should not be interfered with by a court except where there is a plain infraction of Constitutional or statutory law.

The Social Bearing of the Decision.

The special sections of the city ordinance which the circuit judge adjudicated null and void are as follows:

Sec. 11, par. 15. All transient contractors in any line of business shall be subject to a city tax of fifty dollars. All contractors who reside permanently in the vicinity of the city and out of the city limits but carrying on their business of contracting within the city limits shall be subject to a city

tax. Sec. 12. Any person or persons, firm or association, that shall carry on or conduct any business or profession for which a license is required without first obtaining such license, except in such cases as are otherwise provided for in this ordinance, shall upon conviction be punished by a fine of not more than double the amount required for such license.

Daytona welcomes the decision, that the world is kin, that an outsider is entitled to the same fundamental human rights as an insider, and that justice is universal wide in its obligation, and not narrowed to the walls of a city. The only pity is that it was not a decision of the Supreme Court of the United States. The 7th Judicial Circuit of Florida, has adjudicated the fundamental proposition of Americanism. Though the Constitution confer plenary power upon the Legislature, and the Legislature plenary power upon the municipality to repeal human rights, nevertheless justice limits the sovereignty of the people, forbids the tyranny of expediency numbers, and summons the American nation to life as the self-organization of a democracy which is true and rightful, because in harmony with the legitimate order of knowable liberty, truth, and justice throughout the universe. Man's limitations are limitations of universal liberty and justice, guaranteeing with omnipotence the everlasting progress of man in time and eternity. Not universal necessity, not universal despotism, is the chart and compass of American experiment as expounded judicially in Florida. Universal necessity, universal despotism, as the pseudo-scientific and pseudo-religious concept of cosmic order, proclaims the unknowability of man's relation to the universe, justifies and necessitates by their last and highest word the anarchy of human opinion and practice, the hastening eclipse of faith in God or moral law, and the impending periodic round of social dissolution, whenever the ark is laid bare, and the eyes of the multitude are opened to the cosmic fact that all men are unconscious automatons like automata, or automatons conscious of being slaves, with life robbed of its infinite value by the refusal of the universe to fulfill its supreme duty of furnishing adequate light for human guidance and adequate bounty for righteous human happiness toward creatures endowed with reason and conscience, to prompt them to claim the benefit of the bond of universal social obligation at the hands of omnipotence, when launched into existence without consultation.

A brief survey of the various bases of social order in the past, is not out of place. The civilization of Egypt pivoted on the eternity of evolving matter as first cause, India on evolving unconscious metaphysical force, Chaldaee on the universal spontaneous generation of somethingness from nothingness, Zoroastrianism and Polytheism on a Quixotic revolt of finite man against a tyranny of an unconscious nature that evolved all men, the gods and goddesses of pagan Olympus, and all forms of life for the general slaughter pen of death, over which first cause presided as omnipotent ruler. Greece and Rome shrouded themselves for the sepulchre of nations discussing the problem whether there was any benignant God or moral law to share liberty, truth, and justice with man to prevent the cataclysmic catastrophe.

The Chinese sage lengthened out the life of antiquity by formulating the basis of social order for his native land as follows. At the summit of nature as its masterpiece is man, male and female, fashioned for social

discourse, and at the summit of duty, conscience. Conscience bids them to adhere as true what they thus believe to be true; not to affirm as true what they do not know to be true. From science and immortality side this great. Trust the universe with its unshakable faith in its eternal order. The sun of tomorrow will dawn the clouds of today. Keep silent and burning the light of knowledge and burning the light of science.

Man can change his own nature. He who can change his own nature can change the nature of other men. He who can change the nature of other men can change the nature of things, and so bring heaven and earth into harmony. The universalizing of right action among men is the solution of all social problems through education and through the action and reaction of society upon itself when organized into the rule of virtue and intelligence moulding through education and governmental discipline, the many to the performance of social duty. All men are brothers. Mankind are but the first family enlarged by after generations. There is a mighty bond of common interest and mutual obligation that unites in one society the first pair and all the generations to the latest posterity. Mortal, wouldst thou know how much thou owest to society? Strip thyself of all the acquisitions of knowledge accumulated by tradition, of all the capitalization of good deeds gone before, to make up the trained faculties of today, separate from thy pitiful pittance of labor done for society, the labor of ages done for thee. Put thyself back to the scanty equipment of the first pair, as they confronted nature for a victory worthy of men's ambition. How many millions couldst thou have laid up in a lifetime? At the end of thy life's toil, how much of nature wouldst thou have ruled over? Thus narrowed in thy equipment at birth, what fine garments wouldst thou have woven on the loom of human experience? How much beyond the wild acorns and the half bitterness of the spontaneous fruits of the uncultivated fields wouldst thou have had for thy table? Wouldst thou have had a palace or a hut to house in? Then to the dead the living owe their happiness and an immeasurable debt of gratitude. Thou canst not pay the dead. Gratitude and reverence to the ancient patriarchs and the long line of Human Ancestry that have toiled for thee in (Article continued on last page.)

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LEGAL NOTICES

NOTICE.

Be it known that six months after the publication of this notice as soon thereafter as I can be heard, I shall apply to the Hon. J. Lee McCrory, County Judge of Volusia County, Florida, for my final discharge as guardian of the person and estate of Nora V. Jackson, before marriage Nora V. Jackson, at which time I shall present all my vouchers, making my final accounting and ask for such discharge.

G. M. WALLACE, Guardian a.foresaid.
Daytona, Fla., April 13, 1901.

NOTICE.

Notice is hereby given that on the 15th day of May A. D. 1901, or as soon thereafter as I can be heard, I will apply to Hon. J. Lee McCrory, Judge of the Circuit Court of the Seventh Judicial Circuit at Titusville, Florida, for an order to sell at private or public sale the following real estate, located at Melbourne, in Brevard County, Florida, and described as follows: Government lots two (2), three (3) and four (4) of section three (3) and Government lots two (2) and three (3) of section ten (10). All in township twenty-nine (29) south of range thirty-eight (38) east. Containing two hundred and forty-six (246) acres, more or less.

ELIZABETH HARRIS, Executrix
of Estate of Wm. R. Harris.

This May 3, 1901.

Notice of Special Legislation.

Be it known that sixty days after the publication of this notice, the undersigned intend to apply to the next Legislature of Florida for the enactment of an act regarding the marking, staking or burying the Hillsborough river in the county of Volusia, and providing penalties for the destruction, removing, altering or maliciously interfering with the marks, stakes or buoys authorized by such act. (Signed) C. C. Burgoyne, E. T. Conrad & Co., G. W. Blymer, F. N. Conrad, T. L. Rodgers, Porter R. Ben net, John Y. Detwiler.

NOTICE.

Be it known that after sixty days publication of this notice, the undersigned intend to apply to the next Legislature of Florida for the enactment of an act regarding the marking, staking or burying the Hillsborough river in the county of Volusia, and providing penalties for the destruction, removing, altering or maliciously interfering with the marks, stakes or buoys authorized by such act. (Signed) C. C. Burgoyne, E. T. Conrad & Co., G. W. Blymer, F. N. Conrad, T. L. Rodgers, Porter R. Ben net, John Y. Detwiler.

Table of the Tides.

Week beginning April 21, 1901.

	HIGH TIDE.	A. M.	P. M.
Sunday	9:09	9:21	
Monday	10:04	10:26	
Tuesday	11:03	11:29	
Wednesday	12:00		
Thursday	12:26	1:11	
Friday	1:32	2:31	
Saturday	2:47	3:52	
	LOW TIDE.	A. M.	P. M.
Sunday	3:02	2:21	
Monday	3:37	2:46	
Tuesday	4:35	3:44	
Wednesday	5:37	4:43	
Thursday	7:01	7:21	
Friday	8:03	8:26	
Saturday	9:03	9:26	

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